

UNITED STATES DISTRICT COURT

DISTRICT OF NEW HAMPSHIRE

Kari Lewis

v.

Civil No. 11-cv-00270-JL

Meridian Consulting Group, LLC

**ORDER AFTER PRELIMINARY
PRETRIAL CONFERENCE**

The Preliminary Pretrial Conference was held in chambers on **July 27, 2011**.

The Discovery Plan (document no. 9) is approved as submitted, with the following changes:

- Close of discovery - **February 1, 2012**
- Close of expert discovery - **February 1, 2012**

Plaintiff's expert disclosures - **November 1, 2011**
Defendant's expert disclosures - **January 9, 2012**
Supplementation of disclosures - **February 1, 2012**
- Summary judgment deadline - **February 1, 2012**
- Jury/Bench trial - **June 2012**

Based on the discussions between the court and counsel at the conference, the following affirmative defenses are **stricken** without prejudice to being reinstated on request if warranted by the evidence:

- Defendant's laches, waiver, and estoppel defenses (see document no. 6, defenses no. 5 and 6)
- Plaintiff's laches, waiver, and estoppel defenses to the counterclaims (see document no. 8, defenses no. 3 and 4)

Jurisdiction. As discussed at the conference, defendant shall file with the court, on or before **August 17, 2011**, a list of Meridian Consulting Group, LLC's members and their states of citizenship, for use in determining whether this court has subject-matter jurisdiction based on diversity of citizenship.

See Pramco, LLC ex rel. CFSC Consortium, LLC v. San Juan Bay Marina, Inc., 435 F.3d 51, 54-55 (1st Cir. 2006).

Summary Judgment. The parties and counsel are advised that compliance with Rule 56(e) and Local Rule 7.2(b), regarding evidentiary support for factual assertions, and specification and delineation of material issues of disputed fact, will be required.

Discovery disputes. Discovery disputes will be handled by the undersigned judge, as opposed to the Magistrate Judge, in the normal course. No motion to compel is necessary. The party or counsel seeking discovery-related relief should confer with adverse counsel to choose mutually available dates, and then contact the Deputy Clerk to schedule a conference call with the court. The court will inform counsel and parties what written

materials, if any, should be submitted in advance of the conference call.

Customary motions to compel discovery, while disfavored by the undersigned judge, are nonetheless permissible. If counsel prefer traditional discovery litigation to the conference call procedure set forth above, any such motion to compel should expressly request, in the title of the motion, a referral to the United States Magistrate Judge. Such referral requests will normally be granted. If the Magistrate Judge is recused, alternate arrangements will be made.

SO ORDERED.



Joseph N. Laplante
United States District Judge

Dated July 28, 2011

cc: Jon Nathan Strasburger, Esq.
Linda S. Johnson, Esq.
Patrick H. Taylor, Esq.